SENATE BILL No. 373

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DIGEST OF SB 373 (Updated February 9, 2005 2:15 pm - DI 106)

Citations Affected: IC 32-30; noncode.

Synopsis: Statutes of limitation in property matters. Provides that the ten and 12 year statute of limitations for causes of action based on deficient design or construction of an improvement to real property applies to actions brought against a person who owns or possesses real property at the time an alleged deficiency causes injury or wrongful death. Repeals a provision excluding a possessor from the ten and 12 year statute of limitations.

Effective: July 1, 2005.

Bray, Steele

January 11, 2005, read first time and referred to Committee on Judiciary.
February 10, 2005, amended, reported favorably — Do Pass.

C o p y

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 373

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 32-30-1-5 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a) As used in this**
3	**section, "designer" means a person who:**
4	**(1) designs, plans, supervises, or observes the construction of**
5	**an improvement to real property; or**
6	**(2) constructs an improvement to real property.**
7	**(b) As used in this section, "possessor" means a person having**
8	**ownership, possession, or control of real property at the time an**
9	**alleged deficiency in an improvement to the real property causes**
10	**injury or wrongful death.**
11	**(c)** An action to recover damages, whether based upon contract, tort,
12	nuisance, or another legal remedy, for:
13	(1) a deficiency or an alleged deficiency in the design, planning,
14	supervision, construction, or observation of construction of an
15	improvement to real property;
16	(2) an injury to real or personal property arising out of a
17	deficiency; or

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1   (3) an injury or wrongful death of a person arising out of a
2   deficiency;
3 may not be brought against ~~any person who designs, plans, supervises,~~
4 ~~or observes the construction of or constructs an improvement to the real~~
5 ~~property~~ **a designer or possessor** unless the action is commenced
6 within the earlier of ten (10) years after the date of substantial
7 completion of the improvement or twelve (12) years after the
8 completion and submission of plans and specifications to the owner if
9 the action is for a deficiency in the design of the improvement.
10   SECTION 2. IC 32-30-1-7 IS REPEALED [EFFECTIVE JULY 1,
11 2005].
12   SECTION 3. [EFFECTIVE JULY 1, 2005] **IC 32-30-1-5, as**
13 **amended by this act, applies only to a cause of action accruing after**
14 **June 30, 2005.**

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SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 373.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, delete "arising" and insert "**accruing**".

and when so amended that said bill do pass.

(Reference is to SB 373 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

C o p y

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